

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 78-86

ORDER REQUIRING THE CITY OF ALAMEDA AND ALAMEDA  
CITY DISPOSAL COMPANY CLASS II-2 SOLID WASTE  
DISPOSAL SITE, ALAMEDA COUNTY, TO CEASE AND  
DESIST FROM DISCHARGING WASTES IN VIOLATION OF  
REQUIREMENTS PRESCRIBED BY THE CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD

The California Regional Water Quality Control Board, San Francisco Bay Region,  
finds that:

1. On November 16, 1976, this Board adopted Order No. 76-126, prescribing waste discharge requirements for the disposal of group 2 and 3 wastes for the City of Alameda and Alameda City Disposal Company, Class II-2 solid waste disposal site, hereinafter called the discharger.

2. Order No. 76-126 provides, in part, as follows:

"A. Waste Disposal Specifications

1. The disposal of waste shall not cause pollution or a nuisance.

...

B. Leachate and Drainage Specifications

1. Leachate from group 2 waste and ponded water containing leachate or in contact with refuse shall not be discharged to waters of the State.

...

4. Lateral hydraulic continuity with adjacent surface waters shall be prevented by the presence of natural or artificial impervious barrier having a permeability  $1 \times 10^{-6}$  cm/sec or less.

...

7. The discharge of waste shall not cause the following conditions to exist in waters of the State at any place:

...

- c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels.

...

- e. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife, or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.

C. Provisions

1. The discharger shall comply immediately with all sections of this Order except B.1. and B.4.
2. The discharger shall comply with the following time schedule to assure compliance with specifications B.1. and B.4. of this Order:

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
Status Report of Compliance		January 3, 1977
Progress Report		May 15, 1977
Submit final program for compliance including engineering plans and specifications	July 15, 1977	August 1, 1977
Status Report II		December 15, 1977
Status Report III		April 15, 1978
Full Compliance	Sept. 1, 1978	Sept. 15, 1978

All plans and technical reports described above shall be prepared by a certified engineering geologist or a registered engineer. Plans shall include a clay barrier keyed into impermeable bay mud or other facilities to prevent leachate from entering State waters. All plans are subject to approval by the Executive Officer.

..."

3. The discharger has failed to submit the technical reports and perform the dike improvements necessary to comply with the requirements cited in Finding 2. The Board in letters dated February 2, 1978, March 17, 1978, and August 15, 1978, notified the discharger of the continued violations of Order No. 76-126. The delays which have occurred have not been beyond the discharger's control.
4. On September 1, 1978, the discharger proposed a revised compliance time schedule with a completion date of October 16, 1979. The proposed schedule includes several uncertainties, including the nature of the leachate control facilities, whether various permits will be required, and what environmental documents will be required. In view of these uncertainties a final compliance date cannot be specified at this time.

5. On October 17, 1978, at a meeting beginning at 9:30 a.m. in the Assembly Room, State Building, 1111 Jackson Street, Oakland, California, after due notice to the discharger, and all other affected persons, the Regional Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.
6. The discharger is violating the requirements listed in Finding 2 above.
7. The Board finds that this action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED:

1. The discharger cease and desist from discharging wastes contrary to requirements listed in Finding 2 of this Order forthwith and in accordance with the time schedule referred to in item 3 below.
2. The discharger shall submit by March 15, 1979, a detailed engineering report satisfactory to the Executive Officer which, when implemented, will result in full compliance with the specifications A.1, B.1, and B.4 of this Board's Order No. 76-126 at the earliest possible date. This report shall include engineering plans and specifications the method by which funds will be provided, and a proposed time schedule. In addition, a progress report shall be submitted by January 15, 1979.
3. It is the intent of this Board to amend this Order to specify a detailed time schedule for compliance with specifications A.1, B.2, and B.4 of this Board's Order No. 76-126 based on a review of the requested engineering report and any other relevant evidence.
4. If the Executive Officer finds that the discharger has failed to comply with the provisions of this Order, he is authorized after approval of the Board Chairman, to request the Attorney General to take the appropriate enforcement action against the discharger, including injunction and civil monetary remedies, if appropriate.

If the Executive Officer determines that the provisions of this Order are violated and does not refer the matter to the Attorney General, he is instructed to report to the Board the reasons that the discharger has been unable to comply with the provisions of this Order.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on **October 17, 1978.**

FRED H. DIERKER  
Executive Officer